IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.16399 of 2008
BRAHAPATI DOME @ BIHASPATI DOME
Versus
STATE OF BIHAR
---

3. 7.7.2008 Heard.

The petitioner's own statement is the FIR in which he stated that he and two other accused assembled, ate and drank together and decided to commit serious crimes. They put some bombs in some Jhola and set out for their purpose and it was this petitioner who picked up the Jhola and was carrying it and the bomb exploded while they were treading along.

The contention is two fold, that it is absurd to think that the petitioner would be causing an injury as to attract the provisions of the Explosive Substance Act and that the FIR could not be admissible in the evidence.

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The provision of the Act does not except the injured if he is carrying the bombs as well. As regards the admissibility of the FIR it could be decided by the trial court. As things stand presently, the prayer for bail of the above named petitioner appears of no merit and the same is dismissed.

(Dharnidhar Jha, J.)

B.Kr.